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Attorneys for Defendant:
CARLOS E. KEPKE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS E. KEPKE,

Defendant.

Case No. 3:21-CR-0155-JD

**[PROPOSED] ORDER GRANTING
MOTION TO COMPEL PROFFER
MATERIALS**

[PROPOSED] ORDER

Having considered Defendant Carlos Kepke's Motion to Compel Proffer Materials, the Court finds pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), the Jencks Act, 18 U.S.C. § 3500, Federal Rule of Criminal Procedure 16, and Local Rule 16-1 that the government must produce to the defense documents relating to statements and proffers by Robert F. Smith and/or his lawyers to the government prior to and leading up to Mr. Smith's non-prosecution agreement, including presentations, notes, memoranda, and communications.

IT IS SO ORDERED that Mr. Kepke's Motion is GRANTED and the government must produce proffer materials related to the non-prosecution agreement of Mr. Robert F. Smith.

Dated: _____

Hon. James Donato
UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on **September 9, 2022**. I further certify that all participants in the case are registered CM/ ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed on **September 9, 2022** in East Falmouth, Massachusetts.

/s/ Grant P. Fondo

GRANT P. FONDO